

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JUNE 26, 2014

The Cass County Joint Water Resource District met on June 26, 2014, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug and Dan Jacobson, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District; Michael R. Buringrud, North Cass Water Resource District; Raymond Wolfer, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Brittany C. Moen and Pamela Graff Corbin, Water Resource District staff; Sean M. Fredricks, Chris McShane and Lukas D. Andrud, Attorneys for the Board; Lee Beauvais, Chad Engels and Mike Opat, Engineers for the Board; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; Eric Dodds, Advanced Engineering and Environmental Services, Inc.; Jason Benson, Cass County Engineer; and Dave Majkrzak, property owner in Empire Township.

Minutes

It was moved by Manager Olson and seconded by Manager Jacobson to approve the two sets of minutes of the June 12, 2014, meetings, as presented. Upon roll call vote, the motion carried unanimously.

Approval of agenda

It was moved by Manager Buringrud and seconded by Manager Wolfer to approve the order of the agenda, as amended. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – land acquisition

Eric Dodds reviewed discussion from a real estate coordination meeting with the Corps of Engineers, local sponsors and land acquisition consultants. He explained the goal of the discussion was to coordinate knowledge and efforts between the Corps of Engineers and the local sponsor's real estate teams and review land requirements for the Metro Flood Diversion Project. He reviewed draft notes summarizing what was discussed at the meeting.

Mr. Dodds discussed a sample appraisal which was submitted to the Corps of Engineers for their review. He explained that the review of the appraisal process is taking longer than originally anticipated, but will make the process go faster in the future.

The Board reviewed a Land Acquisition Status map and Lukas Andrud updated the Board on land acquisition activities.

Mr. Dodds informed the Board that a property owner has come forward with interest in waiving their rights to a federal acquisition process, in order to be bought out sooner. The Attorneys for the Board are working to prepare a waiver regarding the matter to review with the Corps of Engineers.

Oxbow-Hickson-Bakke Ring Levee Project

Chris McShane informed the Board he will take part in a telephone conference later today with Doug Nelson, an appraiser with the Corps of Engineers, and the appraiser working on the Oxbow-Hickson-Bakke Ring Levee Project to discuss a scope of work.

Mr. Dodds said there is a property south of Oxbow where the homeowner would like to get bought out as soon as possible. Their home will be in close proximity to machinery working on the project, and Mr. Dodds suggested this be considered for their convenience. Chairman Brodshaug requested that Mr. Dodds speak with the landowner to discuss different timeline possibilities. The Board continues to prioritize landowners' requests to make the process as fair as possible.

Mr. Dodds distributed correspondence from Don Giovannetti regarding the current progress of WP-43A Phase A of the Oxbow-Hickson-Bakke Ring Levee Project through June 25th. Mr. Giovannetti said conditions are extremely wet which can complicate compaction requirements for the project. Chris Gross will be onsite later today for an inspection of the trench construction, and to take part in a meeting with the Cass County Electric Cooperative to coordinate the future relocation of power lines.

Mr. Dodds distributed a permit plan for the Oxbow-Hickson-Bakke Ring Levee Project, which shows the status of all permits required for the project.

Mr. Dodds reviewed the Water Topics Overview Committee hearing in Bismarck and said it went well. He said a question was raised if the project construction can proceed using state dollars for construction of the project. He explained that HB 1020 has been interpreted saying that state dollars cannot be used before Federal appropriation, with the exception of levees.

It was moved by Manager Jacobson and seconded by Manager Buringrud to approve and authorize the Chairman to sign the *Agreement Between Owner and Testing Firm for Professional Services* and Task Order No. 1, Amendment 0, in the amount of \$50,000 for Braun Intertec Corporation for professional services, regarding the Oxbow-Hickson-Bakke Ring Levee Project, provided the insurance certificate and rate sheet are included. Upon roll call vote, the motion carried unanimously.

Sean Fredricks updated the Board on action filed by the Richland-Wilkin Joint Powers Authority (JPA) in Wilkin County, Minnesota. Mr. Fredricks explained that the JPA is seeking an injunction to prohibit construction of the project. Mr. Fredricks added that the project has been Federally authorized, and state court cannot enjoin the project.

Metro Flood Diversion Project – access update

Mr. McShane updated the Board on access issues relating to the Metro Flood Diversion Project. Follow-up communications have been made with landowners who have yet to

return an *Access Agreement* or contacted the Water Resource District office. Mr. McShane said contact with a few property owners remains, and access to these properties will be needed by September 1, 2014. The Board requested that a second *Access Agreement* be sent to the remaining landowners who have not returned one to the office, stating a deadline in which a response is required.

Lee Beauvais said URS Corporation is in town to perform cultural resources surveys on the in-town levees, and follow-up surveys north of the Maple River where work was not completed last fall.

Metro Flood Diversion Project – project update

Manager Olson said the Diversion Authority Agricultural Policy Subcommittee will meet in July to discuss crop insurance and flowage easement options, but no formal date has been set.

Flood risk reduction / development of retention projects

Chad Engels discussed the flood risk reduction meeting held in Casselton on June 23, 2014. He explained that steps to move forward in the process were discussed with area landowners.

Dave Majkrzak met with the Board to discuss the importance of an area referred to as the “canyon” on the Rush River in Section 13 of Empire Township, west of Amenia, which area landowners would like to see protected. He explained that permanent inundation would severely affect wildlife in the area, and that occasional inundation would create tree and debris issues. He added that the City of Amenia was given a petition which recognizes that localized flooding is an issue, but that inundating the “canyon” is not desired.

Mr. Engels will be in attendance at the upcoming City of Amenia meeting on July 7, 2014, to discuss the issue further with city representatives and area landowners.

Lake Bertha Flood Control Project No. 75

Mike Opat reviewed information regarding Lake Bertha Flood Control Project No. 75 and distributed a *Proposal* for the analysis and development of a flood risk reduction and detention project at Lake Bertha. He explained that the focus of this phase of the project would be to identify potential options for implementing a controlled outlet for the Lake Bertha basin that would allow the basin to be managed for flood risk reduction and floodwater detention benefits.

It was moved by Manager Olson and seconded by Manager Wolfer to approve the *Proposal* for Lake Bertha Flood Control Project No. 75, a flood risk reduction and detention project, as presented by Moore Engineering, Inc., at an amount not to exceed \$50,000. Upon roll call vote, the motion carried unanimously.

Drain right-of-way

Mr. Fredricks reviewed discussion from the last meeting regarding permanent easements for drain right-of-way. The Board will review draft *Purchase Agreement* and *Permanent Easement* documents for discussion at a future meeting.

Maple River Dam – 2014 maintenance levy assessment

The Board reviewed costs for regular maintenance and needs for the Maple River Dam. It was moved by Manager Olson and seconded by Manager Buringrud to set the 2014 maintenance levy assessment for the Maple River Dam at the \$2.00 level. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Buringrud and seconded by Manager Jacobson to approve payment of Checks #11280 through #11288, and the electronic funds transfer, as presented. Upon roll call vote the following Managers voted in favor: Brodshaug, Jacobson, Olson, Buringrud and Wolfer. Motion passed.

North Dakota Water Coalition meeting

Mr. Fredricks updated the Board on discussions from the June 23, 2014, North Dakota Water Coalition meeting in Bismarck.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Olson, seconded by Manager Buringrud and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer